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OFFICE OF PETITIONS

In re Application of :
Yves Barbarie :
Application No. 09/507,700 : ON PETITION
Filed: 22 February, 2000 :
For: AEROSTAT FOR TRANSPORTING :
EQUIPMENT AND PASSENGERS :

This is a decision on the petition under 37 CFR 1.137(b),¹ filed on 27 and supplemented on 28 May, 2003, to revive the above-identified application.

The petition is GRANTED.

The application became abandoned on 18 June, 2000, for failure to file a timely reply to the Notice to File Missing Parts of

¹Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

Nonprovisional Application mailed on 17 April, 2000, which set a two (2) month shortened period for reply. On 16 June, 2000, petitioner attempted to file an extension of time in accordance with 37 CFR 1.136(a), but no fee was received with that request. Notice of Abandonment was mailed on 7 August, 2002. The petition filed on 17 September, 2002 (feeless 1.181 petition) was dismissed because petitioners had not filed the petition fee or the basic filing fee and surcharge for its late filing.

The present petition is accompanied by the petition fee, the statutory basic filing fee, and the surcharge for its late filing.

The application file is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (703)308-6918.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions